

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



April 30, 1997

ALL COUNTY LETTER 97-29

TO: ALL COUNTY WELFARE DIRECTORS

**REASON FOR THIS TRANSMITTAL**

- ☒ State Law Change  
☐ Federal Law or Regulation  
Change  
☐ Court Order  
☐ Clarification Requested by  
One or More Counties  
☐ Initiated by CDSS

SUBJECT: IMPLEMENTATION INSTRUCTIONS FOR MAXIMUM FAMILY  
GRANT (MFG) IN THE AID TO FAMILIES WITH DEPENDENT  
CHILDREN (AFDC) PROGRAM

REFERENCE: Assembly Bill (AB) 473 (Chapter 196, Statutes of 1994)  
All County Letter (ACL) 94-112  
All County Letter (ACL) 96-37

This is to provide counties with regulations and implementation instructions for Maximum Family Grant (MFG) in the Aid to Families with Dependent Children (AFDC) Program. The regulations become effective August 1, 1997.

**MAXIMUM FAMILY GRANT REQUIREMENT**

Assembly Bill (AB) 473, Chapter 196, Statutes of 1994 added Section 11450.04 to the Welfare and Institutions Code. This provision is more commonly referred to as MFG. The statute requires that the Maximum Aid Payment (MAP) will not be increased for any child born into a family that has received AFDC continuously for the ten months prior to the birth of the child. Aid will be considered continuous for the ten months prior to the birth of the child, unless there was at least a two month break in aid during that period. MFG will apply to all children born on or after August 1, 1997.

**EXEMPTIONS TO THE MAXIMUM FAMILY GRANT REQUIREMENT**

The statute also provides exemption criteria to MFG. MFG will not apply to children in the following circumstances:

- Any child who was conceived as a result of an act of rape, as defined in Sections 261 and 262 of the Penal Code, if the rape was reported to a law enforcement agency, medical or mental health professional or social services agency prior to, or within three months after, the birth of the child.

- Any child who was conceived as a result of an incestuous relationship if the relationship was reported to a medical or mental health professional or a law enforcement agency or social services agency prior to, or within three months after, the birth of the child, or if paternity has been established.
- Any child who was conceived as a result of contraceptive failure if the parent was using an intrauterine device, a Norplant, or the sterilization of either parent. (A medical verification is needed as proof of any failure of a listed birth control method).
- Any child conceived while either parent was an unaided, non-parent, caretaker relative.

## **CHILD SUPPORT**

The statute requires that one hundred percent (100%) of all child support payments received for a child born into the family, but for whom the MAP is not increased due to MFG, be sent to the family. Such payments are exempt from consideration as income for both eligibility and grant computation.

Eligibility staff must notify Family Support Division when a referral is done for a child to whom MFG applies. Also, Family Support must be notified when MFG is temporarily suspended (e.g. child not living with either parent) or when MFG has been terminated (e.g. Assistance Unit (AU) has been off aid for at least 24 consecutive months). Family Support must notify Eligibility staff of the date and amount of child support monies sent to the AU. This process does not effect the AU's responsibility to report the receipt of child support monies on the monthly report.

## **OTHER IMPLEMENTATION INFORMATION**

ACL 96-37, dated July 23, 1996, provided instructions to begin the informing requirement for MFG, and included copies of the forms needed by counties to initiate the informing process. Counties were instructed to begin informing all AFDC applicants as of August 1, 1996 and to continue such informing of applicants on an ongoing basis.

In order to facilitate tracking of MFG cases, we are currently working with the Department of Health Services to enhance the Medi-Cal Eligibility Data System (MEDS). The MEDS enhancement information and related instructions will be sent under separate cover when they become available.

Questions and answers pertaining to MFG are included as Attachment 1.

## **NOTICES**

Three Notice of Action (NOA) messages that have been developed to notify applicants/recipients who are affected by MFG are also attached (Attachment 2). Instructions for use are at the end of each message document. Translations of the NOA messages in Cambodian, Chinese, Vietnamese, and Spanish will be available approximately 30 days from the date of this letter upon request through the Language Services Bureau.

If you have any questions regarding this letter or need additional information, please contact the following staff:

Subject	Contact Person	Phone
AFDC/MFG	Alison Garcia	(916) 654-0989 or CALNET 464-0989
Child Support	Evon Sadrian	(916) 654-1210 or CALNET 464-1210
Notices of Action	Pam Kian	(916) 654-1801 or CALNET 464-1801
Temp 2102	Jan DeSilva	(916) 657-2314 or CALNET 437-2314
Asian Translations	Language Services Bureau	(916) 654-1282 or CALNET 464-1282
English/Spanish	Forms Management Unit	(916) 657-1984 or CALNET 437-1984

Sincerely,



BRUCE WAGSTAFF  
Deputy Director  
Welfare Programs Division

Attachments

Adopt Section 43-201.3 (Handbook) to read:

43-201 CHILD AND SPOUSAL SUPPORT AND PATERNITY (Continued)

43-201

.3 Child and Spousal Support Collections

When support payments are made, the county welfare department shall determine the effect of those payments on the eligibility of the AFDC recipient family.

HANDBOOK BEGINS HERE

For additional child support requirements, see MPP Section 44-314.62.

HANDBOOK ENDS HERE

.31 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code; and  
45 CFR 302.51(a)(4).

Adopt Section 44-314 to read:

44-314      MAXIMUM FAMILY GRANT (MFG)

44-314

.1    Definitions

The following definitions pertain only to Section 44-314.

.11   Law Enforcement  
      Agency

Law enforcement agency includes federal, state, and local law enforcement agencies.

.12   Mental Health  
      Professional

Mental health professional means a person who is licensed by the State of California to provide counseling services.

.13   MFG Child

MFG child means the child, or children in the case of a multiple birth, that is not included in the AU size for the purpose of determining the MAP.

.14   Received Aid

Received aid means received cash aid for himself/herself or on behalf of his/her eligible child(ren). This includes:

.141

A sanctioned parent who has a protective payee.

.142

A payment that is not sent due to a suspense month or the grant is less than \$10.

.143

A minor that receives aid as a child and who subsequently becomes a minor parent.

.2    MFG

When a child is born into an AU that has received aid for at least ten months immediately prior to the birth, the child shall not be included in the AU size for the purpose of determining the MAP.

.3    MFG Application

The MFG applies when:

.31   Notice

The AU has received written notice of the MFG at least ten months prior to the birth of the child, and

.32   No Break in Aid

The AU has not had a break in aid of at least two consecutive months during the ten months immediately prior to the month of birth of the child.

.4    Continue MFG

The MFG continues to apply until the AU has not received aid for at least 24 consecutive months.

.5 MFG Exemptions

MFG shall not apply when:

.51 Rape

The child was conceived as a result of an act of rape, as defined in Sections 261 and 262 of the Penal Code, and

.511

The rape has been reported to a law enforcement agency, medical or mental health professional or an organization that provides counseling to victims of rape prior to, or within three months after, the birth of the child.

(a)

The recipient shall provide written verification from one of the entities listed above, that the incident of rape was reported and the date that the report was made.

.52 Incest

The child was conceived as a result of incest, as defined in Section 285 of the Penal Code, and

.521

Paternity has been established, or

.522

The incest has been reported to a law enforcement agency, medical or mental health professional or an organization that provides counseling to victims of incest prior to, or within three months after, the birth of the child.

(a)

The recipient shall provide written verification from one of the entities listed above that the incident of incest was reported and the date the report was made.

.53 Contraceptive Failure

It is medically verified that the child was conceived as a result of the failure of:

.531

An intrauterine device, or

.532

Norplant, or

.533

The sterilization of either parent.

.54 Unaided Caretaker Relative

The child was conceived while either parent was an unaided nonparent caretaker relative.

.55 Not Living With Parent

The child is not living with either parent.

.6 MFG Child Eligibility

The MFG child is eligible for and a recipient of aid including special needs.

.61 MBSAC

The MFG child is included in the AU size for the MBSAC.

.62 Child Support

Any child support payments received by the District Attorney for the MFG child shall be given to the AU and exempt from consideration as income. For treatment as a resource, see MPP Section 42-211.2.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11450.04(a), (b)(1), (2) and (3), (d)(1), (2) and (3), and (e), Welfare and Institutions Code; Sections 261, 262, and 285, Penal Code.

## ATTACHMENT 1

### MAXIMUM FAMILY GRANT QUESTIONS AND ANSWERS

**1. How does MFG work?**

A mother with two children has been on cash aid for more than ten months in a row. The mother gives birth to a third child who is added to the case.

	<u>Old Rule-MAP</u>	<u>MFG Rule-MAP</u>	<u>MBSAC</u>
MAP (AU=3)	\$565	\$565	\$735
MAP (AU=4)	\$673	\$565	\$872

This family will not receive an increase in the MAP amount, however MBSAC will be increased. The child is otherwise considered eligible for AFDC.

**2. Does the family need to receive aid for a full 10 months for MFG to apply?  
What about partial months (month of application) and the month of birth?  
How are the months to be counted?**

To apply MFG, count backwards 10 months starting with the month before the birthdate. If the family received aid for the 10 months without a 2 month break in aid, MFG will be applied. The partial month (month of application) does count as a month in which aid was received.

Example:

Nov	/Dec	/Jan	/Feb	/Mar	/Apr	/May	/Jun	/Jul	/Aug	/Sep	/Oct	/Nov	/Dec	
Family			10	9	8	7	6	5	4	3	2	1	Baby	
applies													is	
for aid													born	

**3. Must the CWDs obtain actual copies of the reports given to law enforcement, Medical or Mental Health professional, etc., to confirm that the child is exempt from MFG?**

No. However, the recipient must provide written verification that a report of rape or incest was made and the date the report was made.

**4. Is the child to whom MFG applies considered a recipient of AFDC?**

Yes. The child is considered eligible for and a recipient of AFDC. The only difference in the treatment of this AU is that the MAP is not increased to correspond with the increase in the number of persons in the AU. The child is included in the MBSAC.

**5. Is the child to whom MFG applies eligible for other AFDC benefits?**

Yes. The child is eligible for all AFDC-related benefits such as special needs and child care benefits. However, the benefits that are derived from the MAP, such as RISP and permanent shelter payments for homeless assistance, will not include the child subject to MFG.

**6. Must the County Welfare Department continue to carry an open AFDC case when the only AU member is the MFG child (e.g. SSI mother and one child, has another baby (MFG) and the older child goes to live with father)?**

Yes. Although an AFDC payment is not made, the child is an AFDC recipient and is eligible for all related benefits, including Public Assistance Food Stamps, cash-based Medi-Cal and special needs (such as temporary shelter payments and special diet).

**7. When a child to whom MFG applies does not live with his/her parent(s) but goes to live with his/her grandparent or another adult relative, will MFG still apply?**

No. MFG only applies when the child is living with his/her parent(s).

**8. Will MFG apply to minors who have a child while receiving AFDC on their senior parent's case?**

Yes. MFG will apply and the MAP will not increase when the child is added to the case.

**9. Will MFG continue to apply to a child born to a minor parent who subsequently leaves the senior parent's home and establishes her own AU?**

Yes. A child to whom MFG applies will continue to have MFG apply until the AU has not received AFDC for at least 24 consecutive months.

- 10. Will MFG apply to a child born to a minor parent who has left her senior parent's home prior to the child's birth (e.g. minor turns 18 years old or meets an exemption to minor parent requirement)?**

Yes. The child is born to an AU that has received aid for 10 months. In this case the AU has only one member and that member has received aid for the ten months prior to the birth.

- 11. Is a minor parent eligible for Cal-Learn when MFG applies to the minor's child?**

Yes. Although the MAP did not increase, the minor parent and the minor's child are considered members of the AU. Therefore, the minor parent would still be eligible for Cal-Learn as long as all other requirements were met.

- 12. If the parent(s) of the child is living in the home but is not in the AU (ineligible alien, sanctioned or SSI parent), will MFG apply?**

Yes. Although these persons are not in the AU, the parent is receiving aid on behalf of his/her eligible child(ren) and therefore, any additional child that is born will be subject to MFG.

- 13. Are the child support payments received for a child to whom MFG applies, exempt as income only for determining the grant or are they also exempt for financial eligibility determination and the 185% test?**

These monies are completely exempt from consideration as income. However, if these monies are placed in a savings account, they do count towards the AU's property limit.

- 14. Is any and all income of a child to whom MFG applies, exempt (e.g. survivor's benefits)?**

No. The statute only exempts child support. Any other income the child receives is not exempt and would be counted in accordance with existing income rules.

- 15. Would a recipient receive the Pregnancy Special Need if after the child is born, MFG would apply?**

Yes. The law only requires the MAP to not increase to include a child born to an AU that has received aid for ten months. This requirement does not effect any other AFDC benefits.

## ATTACHMENT 2

### NOA MESSAGES

NOA #	Action	Type	Revision	Other
M44-314	Partial Approval	Aid Payments Maximum Family Grant	New	New app, no increase in aid for mfg baby
M44-314A	Other	Aid Payments Maximum Family Grant	New	Ongoing case, no increase in aid for mfg baby
M44-314B	Change	Aid Payments Maximum Family Grant	New	Change in aid - loss or gain of exemption

#### Holders of the AFDC NOA Handbook

- o M44-314 (4/97) Insert in NOA handbook.
- o M44-314A (4/97) Insert in NOA handbook.
- o M44-314B (4/97) Insert in NOA handbook.

Auto ID No.:  
Source :  
Issued by :  
Reg Cite : 40-171.2, 44-314, 44-315,  
44-317

Use Form No. : NA 200  
Original Date : 04-01-97, New  
Revision Date :

MESSAGE:

As of \_\_\_\_\_, the County has approved cash aid and Medi-Cal for some members of your family. The first day of cash aid is \_\_\_\_\_. The first month's cash aid amount is \$\_\_\_\_\_.

You will not get a cash aid payment for \_\_\_\_\_.

Here's why:

Your child was born into a family that got cash aid for 10 months in a row right before his/her birth.

The rules say that your child must meet one of the following exemptions to be eligible to get a cash aid payment.

- o The child is not living with either parent.
- o The child was conceived while either parent was an unaided caretaker relative.
- o The child was born as a result of:
  - rape
  - incest
  - birth control failure.

Your child does not meet an exemption.

[ ] The cash aid payment for your first month of aid is only for a part of a month. It is for the time from your first day of cash aid, shown above, through the end of the month. If nothing changes, next month's cash aid will be for a full month.

[ ] You asked for an Immediate Need payment. Your immediate need is being met with a payment of your first month's cash aid within the immediate need time limit of one working day.

Your cash aid amount is figured on this page.

INSTRUCTIONS: Use to partially approve a Maximum Family Grant case. Check the applicable box(es). When you check the immediate need box, you will not send a notice to the applicant denying the immediate need request, even though you are not sending a separate immediate need payment.

file: pkian/MSERIES/mfg.44314

State of California  
Department of Social Services

Noa Msg Doc No.: M44-314A Page 1 of 1  
Action : Other  
Issue: Aid Payments  
Title: Maximum Family Grant

Auto ID No.:  
Source :  
Issued by :  
Reg Cite : 44-314

Use Form No. : NA 290  
Original Date : 04-01-97, New  
Revision Date :

MESSAGE:

As of \_\_\_\_\_, the County has received your request to add \_\_\_\_\_ to your assistance unit. Your cash aid will not go up, but your child is eligible for Medi-Cal.

Here's why:

Your child was born into a family that got cash aid for 10 months in a row right before his/her birth.

The rules say that your child must meet one of the following exemptions to be eligible to get a cash aid payment.

- o The child is not living with either parent.
- o The child was conceived while either parent was an unaided caretaker relative.
- o The child was born as a result of:
  - rape
  - incest
  - birth control failure.

Your child does not meet an exemption.

INSTRUCTIONS: Use to deny cash aid for a Maximum Family Grant child.

file: pkian/MSERIES/mfg.44314a

State of California  
Department of Social Services

Noa Msg Doc No.: M44-314B Page 1 of 1  
Action : Change  
Issue: Aid Payments  
Title: Maximum Family Grant

Auto ID No.:  
Source :  
Issued by :  
Reg Cite : 44-314

Use Form No. : NA 200  
Original Date : 04-01-97, New  
Revision Date :

MESSAGE:

As of \_\_\_\_\_ the County is changing your  
cash aid from \$\_\_\_\_\_ to \$\_\_\_\_\_.

Here's why:

Your child was born into a family that got  
cash aid for 10 months in a row right before  
his/her birth.

The rules say that your child must meet one  
of the following exemptions to be eligible to  
get a cash aid payment.

- o The child is not living with either  
parent.
- o The child was conceived while either  
parent was an unaided caretaker  
relative.
- o The child was born as a result of:  
rape  
incest  
birth control failure.

[ ] Your child meets an exemption.

[ ] Your child does not meet an exemption.

Your new cash aid amount is figured on this  
page.

INSTRUCTIONS: Use to change cash aid when it is determined that a Maximum Family  
Grant child is either exempt or not exempt.

file: pkian/MSERIES/mfg.44314b